

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

UNITED STATES OF AMERICA,

Plaintiff

V.

THE BOEING COMPANY,

*Defendant.*

Case No. 4:21-cr-005-O-1

**OPPOSED PROTECTIVE MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF MOTION BY NAOISE CONNOLLY RYAN, AS REPRESENTATIVE OF MICHAEL RYAN; EMILY CHELANGAT BABU AND JOSHUA MWAZO BABU, AS REPRESENTATIVES OF JARED BABU MWAZO; CATHERINE BERTHET, AS REPRESENTATIVE OF CAMILLE GEOFFROY; HUGUETTE DEBETS, AS REPRESENTATIVE OF JACKSON MUSONI; LUCA DIECI, AS REPRESENTATIVE OF PAOLO DIECI; BAYIHE DEMISSIE, AS REPRESENTATIVE OF ELSABET MINWUYELET WUBETE; SRI HARTATI, AS REPRESENTATIVE OF ERYANTO; ZIPPORAH KURIA, AS REPRESENTATIVE OF JOSEPH KURIA WAITHAKA; JAVIER DE LUIS, AS REPRESENTATIVE OF GRAZIELLA DE LUIS Y PONCE; CHRIS MOORE, AS REPRESENTATIVE OF DANIELLE MOORE; PAUL NJOROG, AS REPRESENTATIVE OF CAROLYNE NDUTA KARANJA, RYAN NJUGUNA NJOROG, KELLI W. PAULS, AND RUBI W. PAULS; YUKE MEISKE PELEALU, AS REPRESENTATIVE OF RUDOLF PETRUS SAYERS; JOHN KARANJA QUINDOS, AS REPRESENTATIVE OF ANNE WANGUI KARANJA; NADIA MILLERON AND MICHAEL STUMO, AS REPRESENTATIVES OF SAMYA STUMO; GUY DAUD ISKANDER ZEN S., AS REPRESENTATIVE OF FIONA ZEN; AND OTHER SIMILARLY SITUATED REPRESENTATIVES OF THE VICTIMS OF THE CRASHES OF LION AIR FLIGHT JT610 AND ETHIOPIAN AIRLINES FLIGHT ET302 FOR LEAVE TO FILE NEW SUPPLEMENTAL FACTUAL INFORMATION IN SUPPORT OF PENDING MOTIONS.**

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**OPPOSED PROTECTIVE MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF  
MOTION BY NAOISE CONNOLLY RYAN ET AL., REPRESENTATIVES OF THE  
VICTIMS OF THE CRASHES OF LION AIR FLIGHT JT610 AND ETHIOPIAN  
AIRLINES FLIGHT ET302 FOR LEAVE TO FILE NEW SUPPLEMENTAL FACTUAL  
INFORMATION IN SUPPORT OF PENDING MOTIONS**

Naoise Connolly Ryan et al. (the “victims’ families” or “families”),<sup>1</sup> through undersigned counsel, file this opposed protective motion for leave to file a reply to Boeing’s opposition (Dkt. 108) to their motion for leave to file supplemental factual information in support of their pending motions (Dkt. 107). The families believe that they were already authorized to file their reply brief, currently filed with the Court (Dkt. 110). But to protect against the possibility that they are incorrect in that assumption, the families now file this protective motion for leave to file their reply.

In its most recent filing (Dkt. 114), the Government claims that the victims’ families should not have filed their reply to Boeing’s opposition to the motion to supplement without leave of court. Dkt. 114 at 3 (citing N.D. Tex. Local Rule 47.1(f)). Before filing their motion to supplement, the victims’ families had reviewed the local rules and had identified N.D. Texas Local Civil Rule 56.7 as the most analogous rule covering a motion to supplement the record in a CVRA case. *See* Dkt. 107 at 3 (citing Local Civil Rule 56.7—which deals with “supplemental ... evidence”—as authority for a motion to supplement). If the victims’ families were properly proceeding under that rule, then a reply brief was proper. *See* N.D. Texas Local Civil Rule 7.1(f) (authorizing a “reply brief” in support of motions unless otherwise directed). In its opposition to the victims’ families’

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<sup>1</sup> In addition to Ms. Ryan, the other victims’ family members filing this motion are Emily Chelangat Babu and Joshua Mwazo Babu, Catherine Berthet, Huguette Debets, Luca Dieci, Bayihe Demissie, Sri Hartati, Zipporah Kuria, Javier de Luis, Nadia Milleron and Michael Stumo, Chris Moore, Paul Njoroge, Yuke Meiske Pelealu, John Karanja Quindos, Guy Daud Iskandar Zen S., and others similarly situated. They are supported by more than one hundred other families.

motion to supplement, Boeing did not contest Local Rule 56.7 as the appropriate authority for the families to rely upon.

The Government has now objected that the victims' families had not sought advance permission file their reply brief. Dkt. 114 at 3. Accordingly, to ensure that they are authorized to file their reply, the victims' families now file this protective motion for leave to file their reply.

The victims' families respectfully submit that their reply brief is useful to the Court. The families had conferred with Boeing before filing their motion to supplement. Boeing had given reasons why it opposed the motion. The families responded to those initial objections in its initial filing. Thereafter, Boeing raised new objections in its response to the families' motion. The families' reply brief responded to those new objections. Because the reply brief related solely to arguments by Boeing, the families filed the brief promptly without waiting for any filing from the Government.

### ***Conclusion***

For all these reasons, the Court should grant the victims' families leave to file their reply brief (Dkt. 110) in support of their motion to supplement the record in this case. A proposed order to that effect is attached.

Dated: October 7, 2022

Respectfully submitted,



*/s/ Warren T. Burns*

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**CERTIFICATE OF CONFERENCE**

Via emails exchanged with counsel for the Government and Boeing on October 6 and 7, 2022, the victims' families conferred about this motion.

The Government opposes the motion for the following reasons it provided via email: "The Movants' Reply (Dkt. No. 110) contained factual and legal assertions that were not set forth in the initial motion, was filed without prior court authorization before the United States filed a response, and thus violated Local Rule 47.1(f)." Boeing also opposes the motion.

*/s/ Paul G. Cassell*

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Paul G. Cassell

**CERTIFICATE OF SERVICE**

I certify that on October 7, 2022, the foregoing document was served on the parties to the proceedings via the Court's CM/ECF filing system.

*/s/ Paul G. Cassell*

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Paul G. Cassell